

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

WILLIAM FRIED,
Charging Party

HRB CASE NO. 0160125

-v-

FINAL AGENCY DECISION

BANKERS LIFE AND CASUALTY,
Respondent

Charging Party, William Fried (Fried), filed a complaint with the Department of Labor and Industry (Department) alleging discrimination in employment on the basis of age and sex. Following an informal investigation, the Department determined that a preponderance of the evidence did not support Fried's allegations that Respondent, Bankers Life and Casualty, discriminated against Fried. The Department issued a Notice of Dismissal. Fried filed an objection with the Montana Human Rights Commission (Commission). The Commission considered the matter on September 23, 2016. No oral argument was requested for this hearing.

The Commission reviews a decision of the Department to dismiss a complaint using an abuse of discretion standard. *Section 49-2-511(2), MCA*. After careful consideration, the Commission concludes the determination of the Department to dismiss the complaint in this case is not an abuse of discretion.

If a charging party chooses to commence a civil action in district court, the charging party has 90 days after the date this order is issued to file a complaint in district court, in the district where the alleged violation occurred, and seek appropriate relief. *Section 49-2-511(3)(a), MCA*. If a charging party fails to commence a civil action within 90 days, the claims are time barred. *Id.*

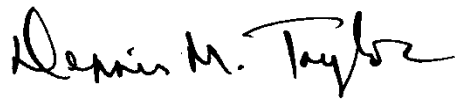
Alternatively, a party may ask a district court to review the decision of the Commission to affirm the dismissal of a complaint. *Sections 2-4-702 and 49-2-511(3)(b), MCA*. This review must be requested within 30 days of the date of this order. A party must promptly serve copies of

a petition for judicial review upon the Human Rights Commission and all parties of record.

Section 2-4-702(2), MCA.

IT IS HEREBY ORDERED, that William Fried's objection is **overruled**. The Commission affirms the determination of the Human Rights Bureau to dismiss the complaint against Bankers Life and Casualty.

DATED this 14th day of October, 2016.

A handwritten signature in black ink, reading "Dennis M. Taylor". The signature is written in a cursive style with a large, stylized 'D' and 'T'.

Dennis M. Taylor, Chair
Human Rights Commission

CERTIFICATE OF SERVICE

The undersigned secretary for the Human Rights Commission certifies that a true and correct copy of the foregoing ORDER was mailed to the following by U.S. Mail, postage prepaid, on this 14th day of October, 2016.

WILLIAM FRIED
11 ANTELOPE TRAIL
BILLINGS, MT 59105

BRIAN L. MOSBY
LITTLER EMPLOYMENT & LABOR LAW SOLUTIONS
111 MONUMENT CIRCLE, SUITE 702
INDIANAPOLIS, IN 46204

A handwritten signature in cursive script that reads "Annah Howard".

Annah Howard, Legal Secretary
Montana Human Rights Bureau